



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,888	02/13/2002	Barry P. Falvo	D02603	9314
43471 Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196	7590 01/28/2010		<div>EXAMINER</div> <div>PENG, FRED H</div>	
			<div>ART UNIT</div> <div>2426</div>	<div>PAPER NUMBER</div>
			<div>NOTIFICATION DATE</div> <div>01/28/2010</div>	<div>DELIVERY MODE</div> <div>ELECTRONIC</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary

Application No.

10/075,888

Applicant(s)

FALVO ET AL.

Examiner

FRED PENG

Art Unit

2426

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ullman et al (US 6,018,768).

Regarding Claim 1, Ullman discloses a set-top box (STB) with a television and an auxiliary display device, with a method of changing program channels comprising:

(a) the STB (FIG.1, 12) transmitting current tuned channel number to the auxiliary display device (FIG.1, 16; Col 9 lines 4-20; tuned program related information such as time stamp etc inherently including channel number information related to the tuned program);

(b) the auxiliary display device determining a particular URL associated with the current tuned channel number utilizing the current tuned channel information provided by the STB (Col 5 lines 3-10; Col 9 lines 4-20; by receiving and storing channel related URL information from alternate internet in advance, the local person computer 16 then is able to determine a URL from among stored URLs for various programs/channels based on the received program related information such as time stamp and inherently with corresponding channel number information from STB and launch a website access); and

(c) the auxiliary display device presenting the web content associated with the URL associated with the current tuned channel number on the display of the auxiliary display device (Col 9 lines 4-20).

Regarding Claim 2, Ullman further discloses the auxiliary display device presenting a hyperlink on the display, the hyperlink providing access to program channel data associated with a new tuned channel; and activating the hyperlink to change the current tuned channel to the new tuned channel (Col 9 lines 20-23).

Regarding Claim 3, Ullman further discloses correlating the program channel data to a virtual channel map (VCM) stored in the STB (Col 3 lines 52-55; Col 6 lines 44-48).

Regarding Claim 4, Ullman further discloses that a web browser residing in the auxiliary display device using the URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (Col 3 lines 32-38).

Regarding Claim 5, Ullman further discloses step (a) is implemented in response to a user changing the current tuned channel (Col 5 lines 62-67; Col 6 lines 1-4).

Regarding Claim 6, Ullman further discloses from Claim 1 that step (a) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (Col 10 lines 45-48).

Regarding Claim 7, Ullman discloses a STB in communication with a remote server, a television and an auxiliary display device, with a method of changing program channels comprising: (a) receiving, at the STB, a virtual channel map (VCM) (Link File) from the remote server, the VCM including URL information associated with at least one program channel (Col 3 lines 44-59); (b) the STB transmitting the VCM to the auxiliary display device (Col 6 line 66 - Col 7 line 11; local URL decoder 12 inherently sending Link File containing URL information to the person computer 16 for processing in order to access the corresponding website); (c) storing the

Art Unit: 2426

VCM in the auxiliary display device (person computer 16 then stores Link File containing URL information for processing); (d) the STB transmitting current tuned channel information to the auxiliary display device (broadcast Link File); (e) the auxiliary display device correlating the current tuned channel information to a particular URL contained in the VCM utilizing the current tuned channel information provided by the STB (Col 6 lines 44-48; such as time of the program); and (f) The auxiliary display device presenting web content associated with the particular URL associated with the current tuned channel on the display of the auxiliary display (Col 3 lines 44-59; Col 6 lines 44-48).

Regarding Claim 8, Ullman further discloses (g) the auxiliary display device presenting a hyperlink on the display of the auxiliary display device, the hyperlink providing access to program channel data associated with a new tuned channel; and (h) activating the hyperlink to change the current tuned channel to the new tuned channel (Col 9 lines 20-23).

Regarding Claim 9, Ullman further discloses the program channel data is correlated to a VCM stored in the STB, and the STB changes the current tuned channel to the new tuned channel (Col 3 lines 52-55).

Regarding Claim 10, Ullman further discloses step (e) comprising a web browser residing in the auxiliary display device using the particular URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (Col 3 lines 32-38).

Regarding Claim 11, Ullman further discloses step (d) is implemented in response to a user changing the current tuned channel (Col 3 lines 44-55).

Regarding Claim 12, Ullman further discloses step (d) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (Col 10 lines 45-49).

Regarding Claim 13, Ullman further discloses the STB transmits the current channel information to the auxiliary display device via the remote server (Col 4 lines 19-23).

Regarding Claim 14, the system claim limitations has been discussed with regards to the method claims of Claim 1.

Regarding Claim 15, Ullman further discloses (c) a wireless communication bridge, wherein the STB transmits the current tuned channel information to the auxiliary display device via the wireless communication bridge (FIGs. 1, 2 and 5).

Regarding Claim 16, Ullman further discloses the auxiliary display device presents a hyperlink on the display of the auxiliary display device, the hyperlink providing access to program channel data associated with a new tuned channel when activated (Col 9 lines 20-23).

Regarding Claim 17, Ullman further discloses the STB includes a virtual channel map (VCM), and the program channel data is correlated to the VCM (Col 3 lines 52-55; Col 6 lines 44-48).

Regarding Claim 18, Ullman further discloses the auxiliary display device further comprises a web browser used to access a web site based on the particular URL, the web site providing data to be presented on the display of the auxiliary display device (Col 3 lines 32-38).

Regarding Claim 19, Ullman further discloses the STB transmits current tuned channel information to the auxiliary display device in response to a user changing the current tuned channel (Col 5 lines 62-67; Col 6 lines 1-4).

Regarding Claim 20, Ullman further discloses the communications system is a cable television (CATV) system (FIG. 5; Col 4 lines 50-53).

Regarding Claim 21, the system claim limitations has been discussed with regards to the method claims of Claim 7.

Regarding Claim 22, Ullman further discloses (d) a cable modem in communication with the remote server; and (e) a wireless communication bridge, wherein the STB transmits the current tuned channel information to the auxiliary display device via the remote server, the cable modem and the wireless communication bridge (Col 9 lines 63-67; the digital cable box 140 can make a wireless connection with the display unit).

Regarding Claim 23, Ullman further discloses the STB transmits current tuned channel information to the auxiliary display device in response to a user changing the current program channel (Col 3 lines 44-55).

Regarding Claim 24, Ullman further discloses the remote server is a cable head-end operated by a multiple system cable operator (MSO), the cable head-end comprising: (i) reverse data channel (RDC) equipment; (ii) a network control system (NCS); and (iii) a cable modem termination system (CMTS) (FIG. 5 is a diagram of another preferred embodiment including a digital cable box. FIG. 5 shows a digital back channel connecting from the digital cable box to content creation 4 which inherently is the cable head-end operated by a multiple system cable operator (MSO). The ordinary person in the art knows the digital cable head-end inherently

Art Unit: 2426

includes (i) reverse data channel (RDC) equipment; (ii) a network control system (NCS); and (iii) a cable modem termination system (CMTS)).

Regarding Claim 25, Ullman further discloses the communications system is a cable television (CATV) system (FIG. 5 is a diagram of another preferred embodiment including a digital cable box).

Response to Arguments

3. Applicant's arguments filed 10/15/2009 have been fully considered but they are not persuasive.

In reference to Applicant's arguments

It is once again noted that Ullman discloses a device which practices the precise method the present disclosure intends to avoid, i.e., putting the website information (e.g., URL address) directly into the video signal associated with the program provided to the television.

Specifically, Ullman discloses that the given system requires that the "web pages be sent in the vertical blanking interval (VBI) of the video signal" (see, Ullman, col. 3, lines 7-11). Thus, the auxiliary device receives the URL directly from a source and does not disclose determining anything based on current tuned channel number.

Examiner's response

The Examiner respectfully disagrees. Ullman also discloses an alternative embodiment of FIG.1 that the URLs can be sent down independently of the video program on a data channel. In this embodiment, the URLs can be forwarded to the remote sites prior to initiation of the program. Preferably, the URLs have associated time stamps which indicate to the subscriber station 16 when during the video program to display the particular Web page addressed by the URLs (Col 5 lines 3-10). Therefore, Ullman discloses determining which URL among many URLs received in advance to display corresponding to a particular program received from the STB based on the associated time stamp. Furthermore, the time stamp associated with a particular program received would inherently include the channel number information.

Conclusion

4. Claims 1-25 are rejected.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

Art Unit: 2426

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

January 23, 2010